SINGAPORE REPORTS.

JONES v. REX.

[App. Crim. Juris. (Murray-Aynsley, C.J. Singapore, Pretheroe, Ag. C.J. Malayan Union and Jobling, J.) December 12, 1947]
[Singapore — Criminal Appeal No. 52 of 1947]

Criminal Procedure — Use of statements made to Police — No failure of justice — Criminal Procedure Code, s. 448.

In this case the trial Judge in the course of his summing up and in reference to statements made by witnesses to the Police made use of the expressions "his evidence is recorded in the statement" and "that does corroborate the prosecution story roughly as regards time".

Held, (1) that statements to the Police can only be used to impeach the credit of witnesses and, when proved, do not become independent evidence of facts contained in them; (2) that in view of the evidence as a whole and particularly as the facts concerned were proved by other evidence, the use of the expression by the trial Judge could not have had any effect on the minds of the jury and that therefore in accordance with the provisions of Section 448 of the Criminal Procedure Code, the appeal against conviction must be dismissed.

CRIMINAL APPEAL.

D. K. Walters (*A. J. Braga* with him) for the Appellant.

M. Buttrose (D. P. P.) for the Respondent.

Cur. Adv. Vult.

The judgment of the Court was delivered by :—

Murray-Aynsley, C. J. : — In this case, at the conclusion of the hearing, the appeal was dismissed, but the Court intimated that it would give a judgment in writing.

The only point on which we think it necessary to make any observation is in respect of the use of statements made to the police in cross-examination of the persons who had made them.

These statements can only be used to impeach the credit of the witnesses. That is to say, when these statements have been proved, they do not become independent evidence of facts contained in them.

In the present case the trial Judge, no doubt inadvertently, made use of expressions "his evidence is recorded in the statement", "that does corroborate the prosecution story roughly as regards time".

In view of the evidence as a whole, and particularly as these facts were proved by other evidence, we do not consider that the use of these expressions could have had any effect on the minds of the jury and, in accordance with the provisions of section 448 of the Criminal Procedure Code, we dismissed the appeal.

Appeal Dismissed.

CHEANG SUNNY v. RAMANATHAN CHETTIAR & ORS.

[Orig. Civ. Juris. (Thorogood, J.) February 16, 1948]
[Singapore — Civil Suit No. 149 of 1940]

Japanese Judgments and Civil Proceedings Ordinance No. 37 of 1946, ss. 3, 6 — Interlocutory and non-interlocutory orders made by a Japanese Court — Validity of — Singapore Colony Order in Council, 1946, s. 44 — Rules of the Supreme Court, O. 18 r. 4.

This was an application by way of Summons in Chambers in Suit No. 149 of 1940 for an order that the name of one Cheang Soon Wah since deceased who was the third defendant in the matter pending in the 15th February, 1942 may be struck out and the names of Teo Sin Hoon and Teo Guat Choo may be substituted therefor. In 1943, during the Japanese occupation, the defendants obtained an order of Court by which the action was dismissed for want of prosecution. On the hearing of the application it was agreed by the applicant and the respondent in these proceedings that the said order of the Japanese Court was a final order.

Held, that judicial acts done under the control of an occupying power, when they are not of a political complexion, remain good and that all judgments given in accordance with the local law or with such regulations as the enemy was lawfully entitled to prescribe are to be respected at the end of the occupation.

SUMMONS IN CHAMBERS.

A. N. Mitra for the Applicant.

J. K. Gale for the Respondents.

Cur. Adv. Vult.

Thorogood, J. : — The applicant in this matter Cheang Sunny applied by way of Summons (entered No. 419/47) for an order under Order 18, Rule 4 of the Supreme Court Rules 1934, that :—

(a) The name of the above-named Cheang Soon Wah as third defendant in this action may be struck out and the names of Teo Sin Hoon and Teo Guat Choo, the executor and the executrix respectively of the will of the said Cheang Soon Wah, may be substituted therefor :

and (b) That the costs of their application may be costs in the cause.

The Solicitor for the said executor and executrix appeared in answer to the Summons the hearing of which was adjourned to open Court.

The applicant was, and maintains that he still is, the plaintiff in C. S. 149/40. Cheang Soon Wah, now deceased, was a defendant in that matter which was pending on the 15th February, 1942. If that suit were still pending there would be no difficulty in obtaining such an order but in 1943, during the Japanese occupation, the defendants obtained an order of Court by which the action was dismissed for want of prosecution. It is agreed by the applicant and the